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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/724,931

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Harry Hornreich

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EXAMINER

LONG, FONYA M

ART UNIT

PAPER NUMBER

3689

NOTIFICATION DATE

DELIVERY MODE

10/01/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@HWDPATENTS.COM

<b>Office Action Summary</b>	<b>Application No.</b> 10/724,931	<b>Applicant(s)</b> HORNREICH ET AL.	
	<b>Examiner</b> FONYA LONG	<b>Art Unit</b> 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The following is a Final Office Action in response to communications received June 13, 2008. Claims 1-6, 10, and 11 have been canceled. Claims 7 and 9 have been amended. Claims 7-9 are currently pending and have been considered below.

#### ***Response to Amendment***

1. Applicant's amendments to the claims are sufficient to overcome the 112 2nd rejections set forth in the previous office action.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (6,055,570) in view of Santoro et al. (6,724,403) and in further view of Helle et al. (6,560,454).

**As per Claim 7**, Nielsen discloses receiving a content update from a content provider in connection with said subscription (Col. 11, Lines 47-51, discloses an update monitor service server receiving changes in content of information from one or more content servers); and providing said content update for updating said specialized content area (Col. 11, Lines 47-51, discloses providing the information to one or more

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user computers about the updated information). However, Nielsen fails to explicitly disclose automatically updating the content during display of the web page, and associating the displayed web page with a subscription for content.

Santoro et al. discloses a system and method for simultaneous display of multiple information sources with the concept of automatically updating the content during display of the web page (Col. 11, Lines 16-31, discloses a user viewing simultaneously information from a multitude of his available sources including multiple sites (i.e. web pages) on the Internet. Col. 12, Lines 36-49, discloses a grid continually cycling around the currently displayed tiles, one by one, refreshing (i.e. updating) the content of the tile each time it is accessed (i.e. automatically updating). When a given tile is refreshed, the refresh operation is completed before refreshing the next tile in sequence. In this way, the cycling rate may be set so that the current content of all tiles are reasonably up to date.).

Therefore, from the teaching of Santoro et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the subscribed update monitors of Nielsen to include automatically updating the content during display of the web page as taught by Santoro et al. in order to provide an easy to use graphical interface that facilitates the organization and management of multiple data sources corresponding to a user's needs and interests.

Helle et al. discloses a system for updating information from a plurality of content providers on the Internet with the concept of associating specialized content area of a web page currently being displayed at a client and having a plurality of specialized

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content areas in a portal environment with a subscription for content therefore, the associating being based on the displayed specialized content area (Col. 4, Lines 25-65, discloses a cellular terminal which is connected to the Internet being associated with (Col. 6, Lines 50-63) the user's personal news list in order to display a user's customized selected topics (i.e. domestic news, or popular music) when the user uses the cellular terminal).

Therefore, from the teaching of Helle et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Nielsen and Santoro et al. combination to include associating a web page with a subscription for content as taught by Helle et al. in order to eliminate the need for the user to manually update the displayed information by automatically updating display after checking for updates from the content providers.

**As per Claim 8**, Nielsen discloses creating said subscription on a publish/subscribe server (Col. 5, Lines 21-40, discloses a monitor page that allows a user to create a list of pages in which the user subscribes to and store the list in a database). However, the Nielsen and Santoro et al. combination fails to explicitly disclose storing content updates.

Helle et al. discloses a system for updating information from a plurality of content providers on the Internet with the concept of storing said content update received from said publish/subscribe server in response to a publication received from said content providers and in connection with said subscription (Col. 8, Lines 17-19, discloses a

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cellular terminal downloading new updated information received from one of the content providers and storing the information in the cellular terminal).

Therefore, from the teaching of Helle et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Nielsen and Santoro et al. combination to include storing content updates as taught by Helle et al. in order to eliminate the need for the user to manually update the displayed information by automatically updating a display after checking for updates from the content providers.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (6,055,570) in view of Santoro et al. (6,724,403) and in further view of Helle et al. (6,560,454) and Wichmann et al. (7,277,924).

The Nielsen, Santoro et al., and Helle et al. combination discloses the claimed invention as applied to Claim 7, above. However, the combination fails to explicitly disclose generating a web page and providing a webpage for display on a computer.

Wichmann et al. discloses a method for servicing a request for a web page from a user with the concept of dynamically generating said web page including said specialized content area; and providing said web page and a monitor operative to receive said content update and provide said content update for updating said specialized content area to a client computer (Col. 1, Lines 43-57, discloses a website that provides a web page and portlets. The portlets are configured to display a customized content area on a web page).

Examiner notes that the claims recites the phrase "operative to" which is interpreted to be "adapted to". It has been held that the recitation that an element is

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"adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchinson*, 69 USPQ 138.

Therefore, from the teaching of Wichmann et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Nielsen, Santoro et al, and Helle et al. combination to include generating a web page and providing a web page for display on a computer as taught by Wichmann et al. in order to provide a web page that meets the user's needs and eliminate information that does not pertain to the user.

### ***Response to Arguments***

5. Applicant's arguments filed June 13, 2008 have been fully considered but they are not persuasive.

Applicant provided arguments in reference to Claim 6 (Page 1 of Remarks), which has been canceled. Examiner interprets the arguments to be referring to independent Claim 7 instead.

In response to arguments in reference to Claim 7, Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment to Claim 7 has necessitated new grounds of rejection which has been noted above. The new grounds of rejection resolved all arguments the Applicant stated in reference to Claim 7.

In response to arguments in reference to Claims 8 and 9, Examiner respectfully disagrees. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FONYA LONG whose telephone number is (571)270-5096. The examiner can normally be reached on Mon-Thur 7:30am-6:00pm EST.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. L./

Examiner, Art Unit 3689

/Janice A. Mooneyham/  
Supervisory Patent Examiner, Art Unit 3689